

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

To: Chief Procurement Officer

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From: Public Safety

Department/Division/Agency

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s):
 A multi-custody level corrections facility for the care, confinement and custody of Hawaii female inmates.
 Services to include housing, security, food services, health care, and inmate program services.

Provider Name: Corrections Corporation of America	Total Contract Funds: \$51.90/day/inmate <i>\$150,000.00</i>	Term of Contract:
Provider Address: 10 Burton Hills Boulevard Nashville, TN 37215	Contract Funds per Year (as applicable). NA, interim solution during negotiations	From: 9/28/05 or upon CPO approval To: 10/31/05 or until a contract is executed.

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

RFP No. PSD 05-IDA/MB-19, was issued April 8, 2005 and Revised Final Proposals received July 20, 2005. Final evaluation and notice of award have been completed, but contract negotiations have taken longer than anticipated. Latest communications was September 22, 2005, where various issues still need to be negotiated.

Our earlier exemption (PEH No 05-35) was to contract with GRW Corporation and expires September 30, 2005. However due to circumstances at the Brush Colorado Facility an earlier departure date has been requested by the facility.

Denial of this request will results in the following:

1. The Dept. of Public Safety will incur transportation costs to bring all 80 inmates back to Hawaii and then may also incur additional costs to transportation costs to transfer the 80 inmates to the new mainland facility.
2. Housing the returning inmates may cause overcrowding at the Women's Facility.
3. Overcrowding at the Women's Facility will produce health and safety issues due to staffing (includes corrections officers, and medical staff) being overwhelmed, the Facility not having adequate bed space, latrines, and bathing facilities.

The last item would then cause a crisis situation that could have been avoided with the approval of this request.

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Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

The Department of Public Safety has issued an RFP pursuant to Chapter 103F, HRS, and is currently negotiating the contract terms and conditions. The Provider we intend to contract with under this exemption is the Provider we are currently negotiating with.

A description of the state agency's internal controls and approval requirements for the exempted procurement:

The Department of Public Safety has received a verbal approval from the vendor we are currently negotiating with regarding accepting the Hawaii female inmates from the Brush Facility while the negotiating teams finalize the contract terms and conditions and then fully execute a contract.

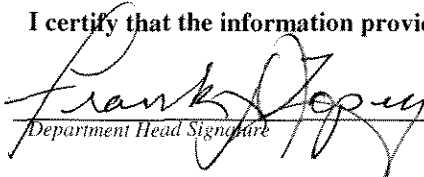
A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Frank J. Lopez, Interim Director
Bryan Yee, Deputy Attorney General
Shari Kimoto, Mainland Branch Administrator (Contract Administrator)
Marc Yamamoto, Procurement and Supply Specialist IV

Direct questions to (name & position):	Phone number:	e-mail address:
Marc Yamamoto, Procurement and Supply Specialist IV <i>may 9/22/05</i>	587-1215	marc.s.yamamoto@hawaii.gov

This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☐ No ☒

I certify that the information provided above is to the best of my knowledge, true and correct.



Department Head Signature

Frank J. Lopez

Typed Name

September 22, 2005

Date

Interim Director

Position Title

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Chief Procurement Officer's Comments:

Approval is through 10/31/05.

Please ensure adherence to applicable administrative requirements.



Approved



Denied


Chief Procurement Officer

9/26/05
Date

cc: Administrator
State Procurement Office

Inter-Office
MEMORANDUM

DEPARTMENT OF PUBLIC SAFETY


No. _____

Suspense: _____

September 26, 2005

TO: State Procurement Office

ATTENTION: Ms. Ruth E. Yamaguchi, Acting Administrator

FROM: Suzanne M. Eghan, Administrative Services Officer 

SUBJECT: Request for Exemption from Chapter 103F, HRS
submitted September 22, 2005 (Ref. No.: PEH 06-09)

The following is the additional information you requested for the subject exemption request:

1. Contract amount for the specified period:
(\$51.90/per day x ~80 inmates x 34 days) est \$150,000.00
2. The reason why an exemption is being requested is due to the complexity and the number of changes to the terms and conditions of this contract. The department's Deputy Attorney General has recommended that a separate contract be entered into for the estimated thirty day negotiation period so that the new contract document resulting from the negotiations can incorporate all the terms and conditions as accepted by all parties will be clearer without the references to changes in the Special Conditions.